

Public, private, and the appeal to common good: Practices of justification in a peer-to-peer economy

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Relations between public and private are implicit within much of everyday life, yet public/private distinctions are often invoked when there is a need to justify or critique a set of social arrangements. This paper attends to such moments, demonstrating how practices of justification provide insights into the values and reasoning through which different forms of collective life are negotiated and managed. It does so through a theoretically pragmatist approach that responds to recent calls for researchers to engage more closely with ordinary forms of normativity and builds on an emerging geographical interest in everyday talk. The case study in focus is a popular yet illegal food trend in New York City where established and aspiring chefs welcome strangers into their homes for a meal in exchange for payment. Underground restaurants and secret supper clubs, as these events are known, fit within a much broader trend of peer-to-peer “sharing economy” business models that open up resources and relations normally considered private to a provisionally public audience. Often celebrated for facilitating cooperation, efficiency, and empowerment, they can also be deeply unsettling to existing social and economic orders. Participation in, and governance of, peer-to-peer activities demands navigating tensions between freedom and collective obligation, managing risk, establishing trust, and delegating responsibility when problems arise. Our capacity as geographers to analyse and weigh in on these issues can be enhanced by attending to the justifications through which public, private, and other concepts for organising collective life are being upheld, transgressed, or actively transformed.

KEYWORDS

justification, New York, peer-to-peer, pragmatism, sharing economy, underground restaurants

1 | INTRODUCTION

Near the waterfront in Williamsburg, Brooklyn there is a huge loft apartment rented by four friends: a bartender, a lawyer, and two teachers. Twice a month or so, they throw some rather unusual dinner parties. Thirty people are invited and told to arrive at 8 p.m. for an hour of cocktails and mingling. The meal follows traditional dinner party etiquette, opening with a soup, followed by an entrée, then salad, and dessert. The food is known for being ambitious and tasty, the events lively

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and full of conversation. Countless bottles of wine are consumed and usually things get a little debauched. Many guests will make new contacts or friends, although it is just as likely they won't see anyone there ever again. For what is remarkable about these events is that people arrive knowing only the person with whom they came. The hosts typically don't know the guests either. The dinner party is comprised almost entirely of strangers: those willing to pay to eat a meal in someone else's home.

"Underground restaurants" or "secret supper clubs," as these events are known, are quite popular in New York. Listings can be found for more than 70, but tracking them down can be difficult. Contact details are sometimes posted online, but more commonly circulate through personal networks and social media. Hosts have to stay under the radar of authorities or they can quickly be shut down. The friends in Williamsburg have been running their parties for more than eight years. What they are doing violates a number of laws at the municipal and state level. They don't have a restaurant permit, a food preparation certificate, or an alcohol licence. They are not registered as a business, they haven't had a fire safety inspection, and they don't pay taxes. But their parties are fun and seem harmless to those involved, and the hosts say they are not making any real profit: the \$50 charge per head plus cash bar is described as a "suggested donation" to cover costs. When asked about issues of legality, Shelley, one of the hosts, justifies the practice in reasoning:

Well ... technically I'm sure they break several different regulations and things. But since we don't really advertise or just open the door to anyone who walks up, I wouldn't say it's a *public* event. It's definitely more like a *private* party. Guests have to get an invite or they wouldn't even know the address. So sure, most of the people who come are usually complete strangers, but it all started as friends and friends-of-friends and has just grown from there.¹

Events like these can be found in cities across the USA and around the world. Some are quite intimate, offering meals for as few as six people. Others are more like restaurants, seating as many as 40 and running several times per week. Some generate substantial profits, but most do not. People are drawn to them because they offer a unique social experience and good value for money – so long as you are comfortable dealing with the uncertainties. For the organisers, the potential gains are greater – personal, professional, and financial – but so too the risks: troublesome visitors, conflicts with neighbours or building owners, and a variety of possible liabilities and legal consequences. While hosts like Shelley tend to consider these parties a private matter, most authorities would see things differently. The coming together of strangers in private residential space, shielded from governmental regulations, and their costs, places these events in ambiguous relations of public and private.

Distinctions between what is understood to be public versus private profoundly shape how collective life is organised. Much academic labour has been directed towards unpacking these relations, and there are a number of carefully considered frameworks that trace out different meanings and their implications (cf., Barnett, 2014a; Iveson, 2007; Parkinson, 2012; Qian, 2018; Sheller & Urry, 2003; Staeheli & Mitchell, 2007; Warner, 2002; Weintraub, 1997). However, because of their emphasis on overtly political dimensions of public-ness, these discussions often feel removed from the materialities and practical concerns of everyday life (Amin, 2008; Koch & Latham 2012). Whether we are at work or leisure, engaged in socially oriented activity or just getting from one place to the next, most of the spaces and relations we inhabit can be understood in different ways as "both and neither, public and private" (Sheller & Urry, 2003, p. 122). Explications of what is, or what ought to be, on a particular side of the divide usually only happen in moments of dispute. As will be demonstrated, there is much that can be learned from attending to these situations. Doing so provides insights into competing values and resources used to make claims of legitimacy, thus highlighting a range of "bounding processes" (Jones, 2009) – cognitive, institutional, and legal – through which relations among strangers are mediated, governance is exercised, and different ways of living together take shape. But it must also be recognised that public and private most often work implicitly (Taylor, 2004), as part of a normative background delineating rules and routines of behaviour and obligation in ways that are easily taken for granted.

This paper goes into the world of underground restaurants to explore how public/private values are invoked and sometimes reconfigured in problematic situations. The inquiry follows a pragmatist approach that responds to calls for geographers to engage more closely with ordinary forms of normativity (Barnett, 2014b; Orzeck, 2014; Smith, 2009) and builds on an emerging geographical interest in how people talk about practices (Bissell, 2015; Brickell, 2013; Hitchings, 2012; Hitchings & Latham, 2016). While the first body of work emphasises normativity as an implicit, routine dimension of everyday life, the latter tasks researchers with thinking carefully about how spoken words function in particular contexts. The argument developed here is that in focusing on the values and reasoning articulated in practices of justification, scholars can develop new insights into how different forms of collective life are negotiated and managed. Crucially, such an

approach is based on recognising that people's relationship to the word is fundamentally one of concern – that humans are evaluative beings sensitive to conditions that promote flourishing (Sayer, 2011). The diversity of ways that public and private relations are configured derives in no small part from a plurality of ideas about what is best for the common good (Boltanski & Thévenot, 2006; Valverde, 2003).

This paper also contributes to understanding how new kinds of entrepreneurial activity are reconfiguring relations among strangers. Broad trends in peer-to-peer technology, often associated with the so-called “sharing economy” (Arcidiacono et al., 2018; Botsman & Roger, 2010; Sundararajan, 2016), are opening up resources and relationships normally considered private to a provisionally public audience. Best known through corporate platforms like Airbnb and Uber, a host of peer-to-peer economies are transforming how millions of people organise entertainment, accommodation, and transportation, and share access to a wide range of goods and services. They often operate by reworking established norms and subverting regulations to bring people together in new ways. Celebrated for facilitating cooperation, efficiency, and empowering ordinary citizens (Sundararajan, 2016), they also frequently transgress regulation and unsettle existing social and economic orders (Eckhardt & Bardhi, 2015). Participation in, and governance of, these activities demands navigating tensions between individual freedoms and collective obligations, managing risk, establishing trust, and delegating responsibility when problems arise. Our capacity as scholars to analyse and weigh in on these issues can be enhanced by a better understanding of the justifications through which public, private, and an array of other concepts that help to configure collective life are being upheld, transgressed, or actively transformed.

Section 2 begins by considering the nature of public/private relations and how they function as a form of practical reason. It then discusses how ideas from theoretical pragmatism can guide inquiries to develop productive forms of insight. The paper then moves through four empirical sections, each of which examines an aspect of underground restaurants problematised in fieldwork conversations. Section 3 considers the judgements hosts make as they welcome strangers into their homes while ignoring governmental regulations. Section 4 looks at how potential risks are justified by hosts through appeals to privacy, while Section 5 considers how the bureaucratic framing of public/private shapes how authorities tend to respond to these activities and how hosts have learned to avoid scrutiny. Section 6 turns to examine the dynamics of inclusion at these events, detailing some of the emerging ways that hosts foster sociability and trust while at the same time justifying exclusion. The paper concludes with a reflection on how the insights produced here might inform matters of regulation and further research into peer-to-peer economies.

2 | INQUIRING INTO PUBLIC/PRIVATE RELATIONS

The public/private distinction has been identified as one of the “grand dichotomies” of Western thought since antiquity (Bobbio, 1989), a “practical fiction” (Warner, 2002) that has enabled modern institutions of civil society, the economy, and the state (Weintraub, 1997). Charles Taylor (2004) describes them as a commonly held form of “social imaginary” providing society with basic, deeply held ideas about its collective existence. Social imaginaries are not necessarily tied to elaborate theorisations. Rather, they tend to work as part of a popular common sense through which everyday understandings about the world take shape (Warner, 2002). They operate by interweaving factual knowledge about how people expect things to be with normative ideas about how they ought to be, delineating ideas about appropriate conduct and social practice. Much of this normativity is implicit in everyday life – when our actions are guided intuitively by a variety of forces including habits and norms (Reckwitz, 2002; Schatzki, 2002). But there are also situations that bring forth an imperative to justify: moments when reasons have to be given and actions and arrangements have to be defended or criticised (Boltanski & Thévenot, 2006; Sayer, 2011; Tilly, 2006). In such moments, public and private operate as more than background. They are descriptive terms within an evaluative dimension. This dual functionality renders them a key conceptual resource for making judgements and negotiating legitimate forms of action and social organisation (Barnett, 2014a).

Disputes over public/private boundaries emerge in all kinds of everyday situations. Disagreements, for example, about the extent to which private activities are “out of place” (Cresswell, 1996) in the public realm: in controversies over practices like breastfeeding in restaurants (Lane, 2014); the appropriateness of attire such as *hijabs* on the beach (Khamis, 2010) or pyjamas in the supermarket (Appleford, 2016); in efforts to regulate open spaces against the smells of street food vendors (Koch, 2015), the sounds of the Islamic calls to prayer (Perkins, 2015), or the sight of homeless persons sleeping on sidewalks (Langeegger & Koester, 2016). Critical scholars have long drawn on frameworks of publicness to weigh in on such matters. More broadly, they are used to evaluate wider societal transformations: changes in institutional structures, economic foundations, technological developments, and social-cultural formations (Bodnar, 2015; Iveson, 2007; Staeheli & Mitchell, 2007). The analysis of public/private relations typically draws on normative criteria inherited from the past to underwrite concerns about the decline of democratic public life or to celebrate possibilities that new modes of living represent (Barnett, 2014a).

Recently, scholars such as Ferguson (2011) and Simone and Pieterse (2017) have argued that a key challenge for social scientists is to not only go about stating what we (as scholars) are for or against, but undertaking the difficult work of figuring out what the diverse inhabitants of cities actually desire. One approach, following in the spirit of John Dewey's theoretical pragmatism, is to inquire into problematic situations through which matters of public concern arise (Barnett & Bridge, 2017). As new assemblages of people, materials, activities, and institutions are pulled together in disputes, such an approach tasks the researcher with tracing out the dynamics of how affected interests mobilise in practices of dispute, negotiation, and resolution (Latham & Layton, 2019; Terzi & Tonnelat, 2017). A pragmatist sensibility places emphasis less on theorisation or critique, and more on developing case studies that broaden and diversify the range of practical resources – empirical and conceptual – available for dialogue, debate, and “hammering out answers to the question of how we should live” (Lake, 2017, p. 2).

Research for this inquiry included in-depth interviews with 24 people who have regularly hosted underground dining events, along with participant-observation at 12 of them – all in New York City. A key focus of the interviews was getting participants to talk about the routines and rationales that structure their events, as well as some of the potential problems related to them. Analysis involved bringing public dialogue about underground restaurants and peer-to-peer economies into conversation with the private experiences of hosts and guests, as well as comparing interview talk with observations. Posing questions in a dialogic rather than confrontational way was helpful in eliciting justificatory talk without making hosts feel defensive or shutting down the conversation. Points of discussion sometimes started with me offering contrasting perspectives on an issue (such as a particular health and safety law, or different ways of screening potential guests) to understand how interviewees handle the matter. Discussing instances of egregious behaviour from other peer-to-peer activities (e.g., publicised cases of troublesome guests, negligent hosts, or heavy-handed policing) frequently prompted conversation around questions of risk and responsibility. It also raised challenging questions about what exactly is going on during the talk of an interview. Is it possible to determine whether participants are critically reflecting on their role and position? How do we know if they are merely reproducing certain forms of speech that allow them to carry on without having to trouble themselves? A key idea in pragmatist philosophy is that values and beliefs are not separable from, but formed in, situated encounters (Bridge, 2004). Answers to challenging questions are worked out as they are problematised, whether in an actual dispute or the hypothetical space of an interview. Another tenet of pragmatist thought is that instead of dwelling on whether an idea is “true,” inquiry should proceed by documenting what the idea *does*, as shown in human actions (Valverde, 2003). With these points in mind, the paper now turns to moments from the research where questions of public/private and the common good came to the fore.

3 | THE EVOCATIVE GRAMMAR OF PUBLIC AND PRIVATE

In an apartment in Morningside Heights, professionally trained chef Joe talks me through his semi-regular supper clubs while sorting through herbs he foraged from a nearby park. “I get this real kick out of seeing what I can find in public spaces,” he tells me. “It's there, it's free for the taking, and people walk right by without knowing that it's edible.” Tonight, there will be 15 guests coming for dinner – only two of whom he has ever met. The wood sorrel he begins chopping, Joe explains, will add some lemony-sourness to one of the entrées he's planning: potted eggs cooked at exactly 63.5°F (17.5°C) – a gourmet standard of perfection possible only with a *sous-vide* water bath. As we continue talking, he plates me up a sample. The egg is so runny I'm wary of eating it. “Do you ever worry about making your guests ill with these things you forage, or with food cooked so minimally?” I ask.

Well, sure. I mean ... I'm into experimenting and I like doing things that you don't get at most restaurants. But I've been through all the training, food licensing, public health and all that, so I'm aware of the potential dangers of serving food to the public and I'm careful. So like, there's nothing risky about what I've gathered today, or the eggs. That's for sure. I also think, though, this is a private party. I can use my judgement, push the boat out a little. I'm not afraid of things like non-pasteurised cheese, rare meat or whatever either ... whereas, in most restaurants, you know, you just don't know what an inspector or your customers might have a problem with and so you'd probably play things a bit safer, you know?

Joe used the terms public and private several times in this part of our conversation, but otherwise, not all that much. I was struck by a similar pattern in many of the interviews I conducted. Like Joe, hosts passionately detailed how they sourced ingredients and selected their menus. They eagerly described transforming their homes into makeshift restaurants and the satisfaction of bringing people together. However, when I asked about potential problems my questions were often

met with brief hesitation, a shrug of the shoulders, or a tilt of the head: physical signs that the conversation had moved to more difficult terrain. It was at these moments that public and private would most often surface.

Joe, for example, identifies the park where he forages for herbs as public and the dinner parties where he serves them as private. In doing so he demonstrates the at-once descriptive and evaluative way these words function (Barnett, 2014a; Parkinson, 2012). Using them to categorise reveals his assumption that it's okay to pick a plant from a public park because 'it's there, it's free for the taking,' while at a private party a chef can disregard certain precautionary measures required by law. Shelley also used ideas of public and private to categorise, but her language further reveals how ambiguities are cognitively managed. Her parties might be "technically" illegal according to "regulations and things," but she resolves this by understanding them *not* to be public. Her power to exclude people – a defining feature of private property (Staeheli & Mitchell, 2006) – is a key element in her defence. Because she doesn't "just open the door to anyone who walks up," official rules do not apply. For Joe, the dinner parties being private enables him to "use [his] judgement, push the boat out a little" in regards to the food he serves. In this case, privacy is judged as enabling personal freedom whereas public-ness entails constraint. This slightly contradicts his view on taking plants from a park, but he judges that a few handfuls of herbs is not going to cause harm.

Both hosts also evoked public and private as nouns: as types of spaces that can be inhabited, and as a particular kind of audience or group. These grammars provide a further dimension for analysis. For example, Joe posits the home to be a quintessentially private space inherently shielded from public scrutiny. Bounded notions of home have been challenged in academic debate (cf., Blunt & Dowling, 2006) but popular understandings often see it as a space free of state surveillance. Boundaries are blurred, however, as both hosts admit that their guests are primarily strangers – encounter with whom is often considered fundamental to publicness (Sennett, 1974). They reconcile this contradiction by explaining that it is not "the public" exactly that is brought together around the table. Shelley defines them as extended "friends-of-friends," while for Joe they are a "community of foodies." These shifts in categorisation reveal the tensions in trying to frame their spaces or their audiences as entirely private. Shelley's claim that "we don't really advertise" may be true, but the events are publicised in various ways. The scrapbook she shows me is packed with feature stories from various media sources, dozens of which name their event and provide contact details. Similarly, Joe spoke of his consistent need to find an audience willing to pay for the gourmet food he enjoys preparing. At the end of the meal, he encouraged guests to pass on his contact details to others.

The categorical and conceptual manoeuvring on the part of these hosts does not mean we should dismiss them as relativist schemers. Rather, as the French pragmatist scholars Luc Boltanski and Laurent Thévenot (2006) demonstrate, when people are faced with the need to justify (or challenge) a set of actions or arrangements, it is perfectly common for their reasoning to shift according to the particularities of the situation. Abstract theories and principles cannot encompass the complex materialities and affective forces in a given situation. However, a consistent rule across all societies, they argue, is that in moments of dispute, people are expected to appeal to higher principles beyond their own individual concerns for their arguments to have social legitimacy. Yet because contemporary societies are structured by a plurality of ideas about what is best for the common good, there are multiple ways in which one's position can be justified. Similar to Taylor's (2004) account of how social imaginaries provide the basis for moral order in society, what Boltanski and Thévenot term "orders of worth" are conceptual schema that enable principles of common good to be articulated and evaluated. They connect the valuation of particular arrangements and actions to more general frameworks of legitimacy such as free market competition, collective well-being, tradition, efficiency, or the freedom to manage one's own domestic affairs. Orders of worth can be variably evoked, but each has validity in terms of its own logic. This flexibility, Boltanski and Thévenot argue, is what allows for social coordination and order within pluralistic and complex societies by giving people common frames of reference for how things are, or ought to be.

Conversations with hosts highlighted how the terms public and private provide particularly flexible tools of justification. In setting up a binary, they offer a means through which social relations can be delineated and evoked, sometimes through ostensibly objective reasoning, and at other times through more emotional appeals. Yet the abstract and multifaceted nature of the concepts allows their referents to shift and work in combination with other terms for evoking orders of worth. They also facilitate the reflexivity required to manage and, in some cases, exploit the possibilities opened up by "indeterminate situations" (Dewey, 1938, p. 105; Stark, 2011, p. 9). For example, framing at-home events as strictly private matters connects them with values of domesticity and therefore normatively shields them from concern by those not directly involved. The implicit appeal to common good is that the maintenance and protection of privacy is tied to higher principles of freedom and liberty.

A further argument made by Joe and other hosts is that regulatory costs and bureaucratic hurdles force them to operate illegally. Privacy opens up social and cultural opportunities that would not otherwise be possible. These arguments are most

forcefully articulated by hosts who run their events on a non-profit, cost-covering-only basis. The fees associated with taxes, business registration, alcohol licensing, health inspections, and so on would make their activities unfeasible. Civic obligations are thus subordinated because of the constraints they place on the ability to participate in a market of exchange. However, many hosts *do* seem to turn a reasonable profit: three people said their events were their primary source of income, while others confided that they helped subsidise apartments and lifestyles otherwise unaffordable. Almost all hosts agreed that if were feasible, they would happily comply with certain forms of regulation and oversight. The collectives involved, however, are most commonly articulated as friends-of-friends, communities of foodies, and private parties. This section has shown how doing so disavows hosts from the obligations of following public health and safety guidelines. The paper now turns to demonstrate how such reasoning further facilitates and helps to justify risk-taking behaviour.

4 | PRIVATE FREEDOMS, PUBLIC RISKS?

It's not easy to determine the actual risks at underground dining events, but it is safe to say that the preparation and consumption of food involves dangers not always recognised by the parties involved. The Center for Disease Control estimates that 48 million Americans annually – 1 in 6 people – get sick from tainted food (CDC, 2011). Restaurant-related illnesses in New York City are estimated to be at an all-time low, but still more than 6,000 people are hospitalised each year because of food-borne infections (NYC Health, 2012).

Roughly half of the underground restaurateurs I interviewed had experience in professional kitchens and had been formally trained on the hazards of preparing and storing food. Understanding their in-home events as private, however, meant few of them had actually looked into the city's permit and licensing rules as they pertain to food service establishments. As a result, there were widely varying, and often inaccurate, understandings of public health requirements. For example, Maurice, a former chef and the host of monthly dinners in Bushwick surmised:

To go legal I'd most likely need to get an entirely stainless steel kitchen. That would be awesome, but it's totally unfeasible. I don't even make money doing this. If I were gonna go public though, and you know, totally open this up, I'd probably be up for making some upgrades or doing whatever I could to be legit.

The interchangeable use of “legal” and “public” signals Maurice's understanding that his events violate public health codes, while he simultaneously justifies non-compliance by arguing that existing regulations are too onerous. As he continued talking, he offered an additional defence commonly made by hosts: that the risks involved are qualitatively different from restaurant dining, and that guests consciously assume this in choosing to attend. In his words:

[W]hen you go into a person's home, I think you're aware that as an individual, you are taking certain chances. If you have a, like, real restaurant, people walk in without even thinking twice, and you've got cooks who never even see the customers and so it's all kind of impersonal—so regulations demand these kind of rules and that, and I think it's totally fair. You really just don't know, like, whose immune system has been compromised by pregnancy or HIV or something when you're serving anyone and everyone.

Here, an appeal to privacy is made through the particular attributes of home, the argument being that intimacy and size negate the need for public oversight. Responsibility is further distributed on to guests who enter into a private space and elect to participate. Hosts generally *do* ask guests to specify dietary needs in advance, but highlighting risks particular to the menu was not a standard practice at the dinners I attended. However, some hosts did express concern for making guests ill, as well as for potentially being sued. For example, a woman in Fort Greene admitted:

I have this fear of one of my dinner parties poisoning twenty people. I mean, if they were all your friends, you'd be forgiven I suppose ... But with strangers, I think you need a little more precaution. So I've taken the [food worker certification] class that the health department offers. I also looked into getting additional liability insurance, but the policies didn't seem to suggest they'd cover me anyway—since I'm not a real restaurant and legally you're not supposed to serve food to people you don't know in your home.

Acknowledging both the public nature of her activities and the rationale for governmental regulation, this host drew on notions of scale and temporality in defining her events as private: she described them as too small, infrequent, and ephemeral to be considered a “real restaurant,” a feeling confirmed by her inability to secure liability insurance. Others disputed

the legitimacy of laws governing in-home activities. For example, a chef running regular for-profit events in the Lower East Side reasoned that:

Restaurants deal in crazy high volumes, and they've got staff turning over from shift to shift and so on. It's a more hazardous environment. Detailed public health laws make sense for that kind of place, but in a private kitchen you just have a much better handle on what's going on. You know the food is fresh, you know your hands and counters are clean and so on.

Consequently, he explained:

We didn't take any legal or public health steps. We were doing this really small thing, in our house. And really I didn't worry about following official steps because—well, why would we? We're not a business. We're not making money or anything, I'm just cooking dinner.

A supper club host on the Upper West Side went further on this reasoning, arguing:

I honestly find it ridiculous that there's even a question about whether or not you can invite some people around your home for a meal, and then ask them to chip in to help pay for it. I mean, isn't it up to consenting adults whether we think it's risky or dangerous or whatever?

Here, we get a sense of how “multiple privates” (Sheller & Urry, 2003, p. 108) can be constructed around ideas of common good. Drawing boundaries of privacy around spaces and audiences of “like-minded peers” not only distributes responsibility for harm onto participants, it also affords them freedom to make personal judgements about matters of risk, especially regarding food consumption. Some events are specifically organised around practices that fall outside of predominant cultural norms and regulatory guidelines. The Gastronomes, for example, are a group with 1,300 members nationally who meet for “adventurous dining.” Meals include things like the consumption of animal intestines, hearts, and kidneys as well as insects and rare seafood, sometimes eaten while still alive. Several well-known figures in New York's culinary scene garnered their reputations through underground events involving group activities such as the slaughter of animals, eating animals “nose-to-tail,” and serving exotic meats that can be hard to procure through normal channels. These activities are not necessarily any more dangerous than culturally mainstream practices, but the manner in which foods are prepared and consumed often falls into grey areas and rarely are they subject to formal inspections.

At the events I attended, a great deal of makeshift work went into adapting domestic kitchens to serve as many as 40 guests. Bathtubs packed with ice were used as refrigerators. Food prepped in advance was stored in bedrooms and closets. Electrical sockets were frequently overloaded with appliances. Untrained friends were often called on to help cook and serve food. None of this seemed egregious, but hosts work under conditions that make cutting corners likely. Restaurants often face similar pressures, but public health permits and licensing require anyone handling food to have formal training. They also mandate material and practical configurations that reduce the likelihood of food-borne illnesses, while premises are monitored in regards to components of fire safety, ventilation, first aid response, and liability insurance. For restaurant owners, the threat of fines and licence revocation give even sporadic public health inspections significant leverage in shaping conduct (Koch, 2015). Governmental power to protect the public good thus becomes extended through forms of “caring surveillance” (Wood, 2003, p. 236) and practitioner discipline (Vaz & Bruno, 2003) as restaurant employees have enhanced capacities and requirements to protect customers (and themselves) from harm.

In the world of at-home dining events, there are substantial differences in the level of training and experience among hosts as well as in the kinds of residential setting in which they take place. This section has shown that there are also widely varying ideas about the extent to which they violate public health regulations and other legal requirements at state and municipal levels. As the next section highlights, boundaries demarcating where public responsibilities begin and expectations of privacy end are not clearly spelled out in departmental regulations, nor have there been systematic efforts to clarify them in response to the rising popularity of informal events. The result is a highly variegated landscape in terms of the risks to which participants might be exposed.

5 | PROBLEMS OF PUBLICITY

Peer-to-peer food activities in New York have generally been small-scale and dispersed, managed situationally by enforcement officials rather than institutionally problematised or comprehensively governed. This section examines the case of a notable supper club shutdown, focusing on justifications of publicity made by the enforcement officer involved. Doing so gives a sense of how these activities have thus far been dealt with by governmental officials, and how many practitioners have learned to stay under their radar. In contrast to case studies that document struggles between municipal authorities and marginalised “counter-publics” to maintain or disrupt established order (Iveson, 2007; Warner, 2002) this section demonstrates how the blurred boundaries of public/private can be inhabited to avoid problems that can come with wider “processes of publicization” (Terzi & Tonnelat, 2017).

Worth Kitchen was run by a newlywed couple new to New York from Mexico City. Interested in developing their culinary skills and extending their social networks, they set upon a plan to host small dinner parties in their home – a one-bedroom apartment in Tribeca – every Thursday for one year, free of charge, and to never repeat a menu or a guest. They started by inviting friends and colleagues and encouraged guests to spread the word to their friends. A blog detailed the weekly dinners and invited readers to email if they were interested in joining. Their online audience grew quickly, giving them a potential guest list longer than they could accommodate. Eventually they decided to host larger events outside of their home at a nearby commercial premises. The first two Worth Kitchen events were a success; a fun complement to the weekly meals at home. However, on the eve of their third event, a reporter from *New York Magazine* contacted the health department to inquire about the legality of their activities and the growing popularity of underground restaurants more generally. A few days later, the couple received a “cease-and-desist” letter from the Department of Health and Mental Hygiene (DOHMH).

At the DOHMH meeting a few days later, the couple were told that *all* of their activities must stop. “This came as no surprise with the out-of-home events,” the host admitted: “they involved groups of 70 people, a \$90 per-person payment and alcohol sales. We knew we crossed a line.” None of these factors would be a problem at future events, the official told them, so long as they followed licensing and permitting regulations for temporary events. But they were also told that their weekly at-home dinners must cease too, on the grounds that “a place of residence cannot be licensed as a public food service establishment.” Failure to comply with this order, they were warned, could result in legal action and jeopardise future chances of getting a restaurant licence. Nearly a year into their dinner party experiment, the couple had begun to imagine a career in the restaurant industry. And so, without contest, Worth Kitchen came to a halt.

In the course of research, I was reluctant to raise the issue of underground restaurants with authorities in New York, as I did not want to contribute to any of them being shut down. But I did exchange emails with the official who issued the cease-and-desist letter to Worth Kitchen, at their suggestion. Having read through the administrative codes, I was curious to understand the exact point at which their in-home activities constituted a violation, as well as how such determinations were made. The replies the official gave were brief and mostly repeated written policy, but the justification provided was revealing nonetheless:

The DOHMH views publicly soliciting patrons, whether by the web or another means of public advertising, to come to one’s home or another location in order to provide food or beverage service as the operation of a food service establishment, which must be permitted and regulated by the DOHMH. One may not operate a food service establishment out of one’s residential home. A commercial location, licensed by the DOHMH, must be utilized.

When asked what constitutes public solicitation or public advertising and how it’s distinguished from networking among peers, the official’s response was that “events are evaluated on a case-by-case basis.” It was the same when I asked what makes someone a “patron” or “consumer” as opposed to a private guest; whether publicity was the only factor that moved a dinner party into the category of “food service”; or if the size or frequency of an event was a factor in making such judgements. “Determinations are made on a case-by-case basis” was the reply in each case.

Governmental enforcement inherently requires subjective determinations to be made about seemingly objective rules (Valverde, 2011), but the official’s answers correspond with how other quasi-public food practices are typically managed. Activities like charity fundraisers, community dinners, and potluck socials are governed by public health laws that stipulate material conditions and licensing requirements, but active monitoring is rare unless attention is specifically drawn to them. However, values of privacy are rarely articulated in municipal policy. In this case, “public soliciting” and “public action” were cited as the grounds for the official’s investigation into Worth Kitchen. This substantiates Terzi and Tonnelat’s (2017)

detailing of how acts of publicity carry potential to make ambiguous situations and problems perceptible, turning private activities and spaces into objects of official inquiry. Worth Kitchen may have started through networks of friends, but their blog detailed their practice of inviting strangers into their home and gave contact information to an indeterminately public audience. Their in-home parties had been publicised by online media sources, while advertisements for their out-of-home parties circulated on various food and event blogs. They are not the only New York supper club to have been issued a cease-and-desist order after being featured in popular media (Dixon Kavanaugh, 2010; Vilensky, 2016).

And yet, the array of underground restaurant activity across the city is hardly a secret. Stories have featured in the *New York Times* and *Time Out* magazine, on *The Food Network* and *The Food Channel*. A quick web search reveals dozens of events taking place regularly. So while it may be true, as the official explained, that “when a DOHMH official learns of a particular activity or event they investigate and respond,” what ultimately mattered in the case of Worth Kitchen was the reporter’s phone call. It created a problem of publicity the official could not ignore.

Most of the restaurateurs I interviewed were familiar with the story of Worth Kitchen and it surfaced in conversation at several dinner parties. The couple used their notoriety and experience to launch other initiatives: guest chef “takeovers” at Manhattan restaurants, pop-up events in other cities, and eventually their own restaurant. Among other hosts, the case has been instructive for several reasons. Foremost, it highlights that the gains from underground events can be substantial in helping aspiring restaurateurs develop skills and build a public following. It also demonstrates that the likelihood or significance of authorities finding out can be limited, especially as regulatory enforcement falls under the jurisdiction of various departments that are not joined up other than through the licensing of food service establishments. Hosts have come to understand that if you “cease and desist” when ordered, you are unlikely to receive fines or penalties. Not being tied to the public obligations of business contracts, leases, permits, or licensing means organisers can simply cease practising if they are caught. A further outcome is that hosts have learned to operate their parties more like private events. Based on the experience of Worth Kitchen and other shut-downs, they increasingly refer to their activities as supper clubs and *not* underground restaurants. They keep their personal details offline and rely primarily on word-of-mouth and social networks to cultivate their contact lists, rather than using advertisements or web listings. Social media profiles rarely contain content that specifies the nature of the event or its location, and home addresses are not revealed to guests until the day of an event.

While it is evident that authorities do act in egregious or overtly publicised cases, this section demonstrates how situational enforcement has kept them from needing to engage in more formal bureaucratic processes or legislative reforms. Such efforts are often resource intensive and unlikely to yield political gains (Devlin, 2011; Valverde, 2012). The discretion afforded to hosts in turn enables them to run their events with relative privacy, so long as they don’t disturb neighbours and customers leave satisfied. As we’ll see in the next section, however, hosts also engage in screening practices that help to minimise the risk of attracting official scrutiny or unwanted guests. Justifications of privacy enable the skirting of regulations related to health and safety, but also norms of equal access that govern public spaces.

6 | DOMESTICATING PUBLIC ENCOUNTERS, MANAGING THE RISK OF STRANGERS

Inviting strangers into one’s home goes well beyond the “low-level sociability” (Laurier & Philo, 2006, p. 193) and “light-touch” interactions (Thrift, 2005, p. 146) that comprise most forms of public life. Encounters at an invite-only gathering may be distinct from the spontaneity and difference found in more open kinds of space (Darling & Wilson, 2016), but social occasions of all kinds can be fraught with uncertainty. In this penultimate section, the practices of justification made by hosts as they screen and select potential guests are examined. Doing so reveals how stranger encounters are “domesticated” (Koch & Latham, 2013) to facilitate sociability and trust among the unacquainted, while also highlighting processes of exclusion.

Clinton Hill: Marketing director Sylvia opens her laptop to show me the dinner party inquiries she’s received that week. Her events run four to five times monthly, but managing the guest list is an ongoing task. “It’s not like a restaurant, where I just take bookings,” she explains, “It’s my home, it’s a fairly intimate thing, and it just needs to be a little more ... *curated* I suppose.” Sylvia’s events are highly regarded, featuring up-and-coming guest chefs. She usually gets more requests than she can accommodate. Reading through the emails with me, she is candid about who is and isn’t likely to get an invite. Those with personal or professional connections are straightforward, but most inquiries come from extended contacts or strangers. The “filtering process,” as Sylvia describes it, is quick but considered, and aligns with how most other hosts described screening guests.

The first filter is a sense of sociability. Anyone who fails to say a little about themselves or raises any “red flags” (an impolite tone, for example, or a government email address) gets a standard reply saying “unfortunately no spaces are

available.” Yet Sylvia, like many other hosts, is adamant she doesn't want her events to feel exclusive or pretentious. Diversity is thus a second filter. An ideal party for Silvia includes an array of occupations and interests; not too many romantic couples; no groups of friends larger than four; a mix of ethnicities (or, at least “not too many white people”); a roughly even gender balance; a few out-of-towners; and, where possible, a range of ages. At the events I attended, this kind of social make up was the norm. Guests generally seemed to be middle- and upper-middle-class professionals (similar to restaurants with equivalent prices), but the groups were diverse in many other ways. Indeed, there was often a peculiar sense that the events had been curated, as Sylvia put it, to include a wide mix of people.

Research on peer-to-peer travel accommodation has found paradoxical tendencies when it comes to diversity and inclusion. On the one hand, many hosts seek to “engineer randomness” (Germann Molz, 2014, p. 7) by making a conscious effort to connect with people from different backgrounds. Many supper club hosts describe similar intensions, as a means to make their events interesting and fun. But the filters of diversity articulated tended to rest on a “conditional” kind of inclusion (Tissot, 2015), one predicated on guests first revealing details about themselves upfront. Indeed, because hosts open up their homes to strangers, they described feeling justified in expecting participants to reciprocate with openness about their own lives. Inquirers may or may not understand these dynamics, and the “presentations of self” (Goffman, 1959) conveyed in emails vary considerably in terms of content and tone. Efforts to incorporate diversity are thus countered by preferences for “homophily” (Bialski, 2012) that lead to subtle or not-so-subtle forms of discrimination. Sociologists have argued that “casual and convincing” performances of cultural knowledge (Ocejo, 2017, p. 8) have become a new source of power in a time where cultural capital is to some extent democratised and multicultural tastes are championed (Zukin, 2010). More or less implicit biases, as well as more overt forms of exclusion, structure access to these events in ways that would be difficult to monitor or prove. Research on the peer-to-peer accommodation platform Airbnb has revealed systematic patterns of inequality based on race, as inquiries from those with names that sound African-American being 16% less likely to be accepted compared to those with white ones (Edelman et al., 2017).

An additional filtering practice for many hosts involves an online search for some means of verifying a potential guest's identity. Sometimes, the suffix to an email address or an email signature is sufficient, as these can provide employment details or link to personal or professional websites. Hosts also scan social media, typically Facebook, LinkedIn or Instagram, to look for personal characteristics that make hosts feel more or less comfortable sending an invite. Some hosts give preferential treatment to those with extensive social media connections, for they are most likely to extend their own networks. Filtering by public profile also helps to de-stranger potential guests, lowering perceived risks by providing hosts with an intuitive sense of assurance that the person inquiring is “real,” likely to turn up, and can be located in the future if needed. Indeed, not having any sort online presence is a red flag for many hosts. Often, inquiries are declined when a quick search reveals little or nothing. Several digital platforms such as EatWith, SupperClub, and VizEat have been developed to help broker the process of forging connections between chefs and audiences, although these have found limited traction when it comes to in-home events. None of those I interviewed used them, in part because they are not interested in letting a third-party take a share of the income, but also because they limit the ability to manage who gets invited.

In contrast to the impersonal self that underpins classic accounts of rationality in public life (Habermas, 1989), here we can note a more performative dimension (Sennett, 1974). Conventions for relating to strangers in peer-to-peer networks are premised on points of connection and like-mindedness, as well as assertions of (non-threatening, assimilated) difference in terms of identity and background. Websites, social media platforms, user-review systems, and online payment have helped facilitate these connections, and help establish trust needed to make exchanges possible. Yet as Gordon and de Souza e Silva have argued, “the increased personalization of space introduced by new technologies suggests new kinds of exclusionary practices and shifts in power relationships that might challenge how spaces are experienced and who has access to those experiences” (2011, p. 134). This is certainly the case in the world of underground restaurants, where invited guests are afforded an array of social and cultural opportunities from these events and the networks they cultivate. However, the quasi-private nature of these spaces enables hosts to justify making exclusions on the grounds of common good. As a host in Carroll Gardens summarised: “It's not a democracy, it's my house. I've got to protect myself and I want everyone that comes to have a positive experience. So, frankly, that means leaving some people out.”

Justifications for exclusion undoubtedly make sense for individuals and groups in many contexts. The values of privacy associated with personal choice and freedom provide compelling arguments for the right to leave some people out. Yet making such claims in the context of peer-to-peer economies overlooks the relations of publicity in which they are often entangled. Iveson emphasises that “rather than demanding that urban inhabitants be open to encounters with ‘strangers’” (2007, p. 45), there is a need to learn more about the circumstances in which people take the associated risks of such encounters and how this in turn potentially transforms public culture. This section demonstrates how principles of inclusion underpinning egalitarian forms of public life are being sidestepped or reworked by practices that favour selective social

networks. As developments in sociality extend the feasibility of such practices, the extent to which exclusion will be further normalised or problematised in wider public debate about peer-to-peer economies remains to be seen.

7 | CONCLUSION

Cultural changes and technological developments over the past decade have brought an array of new possibilities for bringing people together, facilitating novel forms of social and economic exchange. Peer-to-peer economies have opened up conventionally private resources and spaces to wider public audiences, reconfiguring norms and challenging conventions that mediate relations among strangers. Yet the ambivalent outcomes of these developments have become increasingly clear, as opportunities and benefits have been coupled with new patterns of risk, disadvantage, and hardship (Eckhardt & Bardhi, 2015; Sundararajan, 2016). Following Dewey's (1938, p. 105) account of the logic of social inquiry, we can understand the emerging debate as constituting a kind of situational indeterminacy in that rivalry of evaluative principles are used to justify different modes of action, while almost everyone agrees that regulation has not kept pace with social and technological change (Koopman et al., 2015).

Underground restaurants and secret supper clubs in many ways exemplify the more positive aspects of "stranger sharing" (Schor, 2014). They bring together unknown others for convivial pleasures and unique social opportunities. To date, they have not caused any major problems in New York, and authorities have mostly turned a blind eye. Yet there is a widely variegated landscape in terms of the risks they entail and the forms they take. They are also unlikely to be just a passing trend. Growing cultural preferences for intimate and authentic forms of urban experience (Ocejo, 2017; Zukin, 2010) alongside the spiralling costs of running an independent restaurant (Lokting, 2018) mean there is money to be made and social opportunities to be had, and participants have an array of justifications for pursuing them.

One finding of this inquiry is that more progressive forms of governance could better protect the public from potential harm at these events. Regulations should be crafted in ways that enlist participants – guests and hosts – in making informed judgements about appropriate forms of practice when official scrutiny is absent. A first step would be for authorities to provide clearer guidelines on where public obligations begin and where affordances of privacy end, given the widely varying ideas among practitioners revealed in the research. Health officials could offer better resources to reduce potential risks, for example, by promoting their training courses to anyone who regularly cooks in group settings. Attending to practitioner talk in this research has demonstrated that presenting rules and guidelines alongside their rationale can prompt reflection and dialogue about appropriate practice (if not necessarily regulatory compliance). And while peer-to-peer economies can make it easy for practitioners to evade governmental oversight, the networks in which they operate might also be used to promote conversation among guests (online or off) about issues related to matters of safety, accountability, and fairness. What are the qualifications and experience-levels of hosts? How frequently do their events run? Are they for-profit or just covering costs? What kinds of safety measures have been taken? Is it ethical or desirable to patronise events based on exclusionary practices?

These kinds of questions and conversations were not frequently part of the dialogue at the events I attended, but hosts had a lot to say about them when asked. Listening to them provided insights into the material and practical choices being made and the liberties or precautions being taken. A better understanding of these would be vital to developing better forms of regulation. They could also be used to establish systems of certification or licensure enabling such activities to operate legally under certain conditions. Done effectively, these need not be intrusive or prohibitive. Learning from the governance of artisanal food, cottage-industry markets, and street vending (Koch, 2015; Linnekin, 2016), policy makers could facilitate better engagement with business requirements and safety-related guidelines, and help hosts protect themselves and guests by enabling systems of harm-mitigation and insurance to be put in place.

For thinking about peer-to-peer economies more broadly, this inquiry has several implications. First, it draws attention to the enduring and dynamic importance of public/private relations as a key social imaginary through which collective life is organised. Public/private relations cannot be mapped neatly on to discrete spaces or activities, but rather enfold into one another in ways that are multiple, mobile, hybrid, and emergent (Barnett, 2014a; Iveson, 2007; Sheller & Urry, 2003). By highlighting the pragmatic flexibility of the concepts, this paper demonstrates their role in establishing and negotiating cognitive, legal, and institutional boundaries, helping people resolve problems and articulate ideas about what is best for the common good. At the same time, this study shows how conventional ideas of public/private are often sidestepped or creatively reconfigured by entrepreneurial activity. Second then, this study suggests the need for further inquiry into how social imaginaries and boundaries are being shifted by peer-to-peer networks, and how they might be normatively evaluated. One could read the activities described in this paper as a kind of privatisation in public life, but we have seen how privacy is valorised as a common good at the same time that new forms of publicness emerge. Selectivity and

exclusiveness from collective activities is not necessarily unjust, and does not necessarily lead to the erosion of diversity and difference. Iveson (2007), for example, argues that exclusion can be justified if it enables value and identity formation compatible with right-to-the-city claims. But Boltanski and Thevnot's work reminds us that there is a plurality of other more-more-less implicit normative frameworks through which questions of common good can be debated.

Finally, this inquiry demonstrates a style of research attuned to understanding the resources and arguments different people draw on to defend why things are as they are, and in terms of arguing why they might need to be changed (Barnett, 2014b; Latham & Layton, 2019). This is particularly vital in this moment of peer-to-peer innovation. Ride-sharing apps like Uber and Lyft are changing what it means to get into a taxi or a stranger's car. What systems of accountability are appropriate for managing public safety, drivers' livelihoods, and urban well-being more broadly? Platforms like Airbnb are shifting the way people capitalise on surplus residential space, but what effects does this have on neighbourhoods and housing markets, and how should they be regulated? Social media and technologies of hospitality are leading to forms of stranger encounter that are highly selective and planned in advance (Bialski, 2012; Germann Molz, 2014). How are different social groups enabled or excluded through these networks, and how might users and platforms engender more egalitarian forms of practice? Answers to these kinds of questions are being worked out every day by different actors with widely varying resources and often competing ideas about what is best for the common good. For scholars to understand these changes and effectively promote more mutually beneficial ways of living together, it is imperative that we refine and extend the ways in which we work. This paper has demonstrated how attending to problematic situations can help to elicit justificatory talk, and how that in turn provides new insights into how different forms of public and private life are negotiated and managed. Such talk can be surfaced in the space of dialogic interviews or by attending ethnographically to disputes where matters of concern arise. Other approaches could include comparing how appeals to the common good present themselves across a range of contexts, or seeing how particular "public" and "private" fora are themselves typified by certain justificatory practices. As urban inhabitants continuously engage in "the pragmatic, collective project of hammering out answers to questions of how we should live" (Lake, 2017, p. 479), geographers can develop a range of valuable insights by attending to practices of justification and opening up dialogue on the values and outcomes at stake in how such questions are answered.

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ENDNOTE

¹ The given names of all interviewees are pseudonyms.

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